3. The rules contained in clauses third, fourth, fifth, sixth and seventh, section 16, Regulation III, 1802 * * * [1] respecting the estates of Hindus dying intestate, are hereby declared equally applicable to the cases of Hindus dying and leaving wills. Rules applicable to estates of Hindus dying and leaving wills

4. Wills left by Hindus within the territories subject to this Government shall have no legal force whatever, except so far as their contents may be in conformity with the provisions of the Hindu law, according to the Authorities prevalent in the respective [2][territories] under this Presidency. Wills of Hindus to be in conformity to Hindu Law.

MADRAS REGULATION I OF 1830.[3]

[THE MADRAS SATI REGULATION, 1830.]

[*2nd February 1830.*]

A Regulation for declaring the practice of Sati, or of burning or burying alive the Widows of Hindus, illegal, and punishable by the Criminal Courts.

THE practice of sati, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary, a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed; in some extensive districts it does not exist; in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor in Council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without Preamble.

[1] Madras Regulation III of 1802.

[2] This word was substituted for the word "Provinces" by the Adaptation Order of 1950.

[3] The short title was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), s. 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act. Compare Ben. Reg. XVII of 1829.

It has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—*see Gazette of India*, 1898, Pt. I, p. 869, and *Fort St. George Gazette, ibid.*, p. 666. The Regulation has been extended by a notification under s. 5 of the Scheduled Districts Act to the Bhadrachalam and Nugur taluks of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553. The Regulation has been declared by a notification under s. 3, cl. (*a*) of the Scheduled Districts Act to be in force in the Dutcharti and Guditeru Muttas of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.

abolishing the practice altogether. Actuated by these considerations the Governor in Council, without intending to depart from one of the first and most important principles of the system of [1][ ] Government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity, has deemed it right to establish the following rules, which are hereby enacted, to be in force * * [2] throughout the territories immediately subject to the Presidency of Fort St. George.

Sati declared illegal and punishable.

2. The practice of sati, or of burning or burying alive the widows of Hindus, is hereby declared illegal, and punishable by the Criminal Courts.

Zamindars, etc., responsible for immediate communication to police of intended sacrifice.

3. *First.*—All zamindárs, talukdars or other proprietors of land, whether malguzári or lakhiráj, all sadr farmers and under-renters of land of every description, all dependent talukdars, all naibs and other local agents, all [3][ ] officers employed in the collection of the revenue and rents of lands on the part of Government or the Court of Wards, and all headmen of villages, are hereby declared especially accountable for the immediate communication to the officers of the nearest police-station of any intended sacrifice of the nature described in the foregoing section; and any zamindár, or other description of persons above noticed, to whom such responsibility is declared to attach, who may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the Magistrate or Joint Magistrate in any sum not exceeding two hundred rupees, and, in default of payment, to be confined for any period of imprisonment not exceeding six months.

Penalty in case of neglect.

Police how to act on receiving intelligence of intended sacrifice.

Second.—Immediately on receiving intelligence that the sacrifice declared illegal by this Regulation is likely to occur, the head of police shall either repair in person to the spot, or depute one of the subordinate officers, accompanied by one or more peons [4][ ], and it shall be the duty of the Police-officers to announce to the persons assembled for the performance of the ceremony that it is illegal, and to endeavour to prevail on them to disperse, explaining to them that, in the event of their persisting in it, they will involve themselves in a crime and become subject to punishment by the Criminal Courts. Should the parties assembled proceed, in defiance of these remonstrances, to carry the ceremony into effect, it shall be the duty of the Police-officers to use all lawful means in their power to prevent the sacrifice from

[1] The word "British" was omitted by the Adaptation Order of 1950.
[2] Certain unnecessary words have been repealed by Central Act XII of 1876.
[3] The word "Native" was omitted by the Adaptation Order of 1950.
[4] The words "of the Hindu religion" were omitted by *ibid.*

taking place, and to apprehend the principal persons aiding and abetting in the performance of it; and, in the event of being unable to apprehend them, they shall endeavour to ascertain their names and places of abode, and shall immediately communicate the whole of the particulars to the Magistrate or Joint Magistrate for his orders.

How to act when intelligence of sacrifice does not reach them until after it has taken place.

Third.—Should intelligence of a sacrifice, declared illegal by this Regulation, not reach the Police-officers until it shall have actually taken place, or should the sacrifice have been carried into effect before their arrival at the spot, they will nevertheless institute a full inquiry into the circumstances of the case, in like manner as on all other occasions of unnatural death, and report them for the information and orders of the Magistrate or Joint Magistrate to whom they may be subordinate.

Magistrate how to proceed against parties concerned.

4. *First.*—On the receipt of the reports required to be made by the heads of police under the provisions of the foregoing section, the Magistrate or Joint Magistrate of the jurisdiction in which the sacrifice may have taken place, shall inquire into the circumstances of the case, and shall adopt the necessary measures for bringing the parties concerned in promoting it to trial * *.[1]

Persons abetting sacrifice guilty of culpable homicide.

Second.—It is hereby declared that, after the promulgation of this Regulation, all persons convicted of aiding and abetting in the sacrifice of a Hindu widow, by burning or burying her alive, whether the sacrifice be voluntary on her part or not, shall be deemed guilty of culpable homicide, and shall be liable to punishment by fine or by imprisonment, or by both fine and imprisonment, * * [1] according to the nature and circumstances of the case, and the degree of guilt established against the offender; nor shall it be held to be any plea of justification that he or she was desired by the party sacrificed to assist in putting her to death.

Discretion of Judge to admit to bail or not.

Third.—Persons committed to take their trial * * [1] for the offence above mentioned shall be admitted to bail or not at the discretion of the Criminal Judge, subject to the general rules in force in regard to the admission of bail.

Court of Fauzdari Adalat may pass sentence of death in certain cases.

5. It is further deemed necessary to declare that nothing contained in this Regulation shall be construed to preclude the Court of Fauzdári Adálat from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindu widow [2] while labouring under a state of intoxication or stupefaction, or other cause impeding the exercise of her free will, when, from the aggravated nature of the offence proved against the prisoner, the Court may see no circumstances to render him or her a proper object of mercy.

[1] Certain unnecessary words have been repealed by Central Act XII of 1876.

[2] "Woman" in Clarke's edition.